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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/788,903	02/26/2004	Thomas A. Gentles	1842.020US1	4535

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EXAMINER	
LEUNG, JENNIFER	
ART UNIT	**PAPER NUMBER**
3709	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/03/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/788,903	GENTLES ET AL.	
	Examiner	Art Unit	
	Jennifer Leung	3709	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-43* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-43* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *26 February 2004* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *7/28/2005; 7/6/2004*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "322" and "324" have both been used to designate "Service Description" in Fig. 3. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. The abstract of the disclosure is objected to because on page 24, line 13: "HITP" should be -- HTTP --. Correction is required. See MPEP § 608.01(b).

3. The disclosure is objected to because of the following informalities:

Page 1, line 11: The serial number should be 10/788,661.

Page 1, line 14: The serial number should be 10/788,902.

Page 1, line 16: The serial number should be 10/789,957.

Page 3, line 8: "HITP" should be -- HTTP --.

Page 6, line 16: "customer data center" should be -- "Customer Corporate Data Center --.

Page 6, line 24: "Auth Server 32" should be -- Auth Server 232 --.

Page 6, line 27: "the Gaming Management Server 36" should be -- the Gaming Management Server 236 --.

Page 7, line 1: "the Progressive Server 38" should be -- the Progressive Server 238 --.

Page 7, line 6: "The Customer Property 16" should be -- the Customer Property 216 --.

Page 8, line 2: The serial number should be 10/788,661.

Page 8, line 25: The serial number should be 10/788,902.

Page 9, line 15: The serial number should be 10/789,957.

Page 10, line 15: "his coin in go" should be -- his coin go --

Appropriate correction is required.

Claim Objections

4. Applicant is advised that should claim 7 be found allowable, claim 10 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof.

When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

5. Claims 3, 6, 17, 26, 28, 30, and 37 are objected to because of the following informalities:

Claim 3, line 4: "for the availability" should be -- for an availability --.

Claim 6, line 1: "claim 4" should be -- claim 5 --.

Claim 17, line 1: "claim 15" should be -- claim 16 --.

Claim 26, line 1: "the standard internetworking protocols includes" should be -- the internetworking protocols include --.

Claim 28, line 1: "includes a" should be -- include a --.

Claim 30, line 2: "the availability of a service on a gaming network" should be -- an availability of the service on the gaming network --.

Claim 37, line 2: "the method" should be -- a method --.

Claim 37, line 3: "the availability of a service on a gaming network" should be -- an availability of the service on the gaming network --.

Appropriate correction is required.

Claim Rejections - 35 USC § 101

6. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 30-43 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. While "processing one or more service requests" may be transformative, the invention as claimed does not produce a useful, concrete, and tangible result.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1-14, 16, 18, 21- 35, and 37-42 are rejected under 35 U.S.C. 102(e) as being anticipated by Gatto (US 6,916,247).

Re claim 1: Gatto discloses a system providing a gaming network environment (col.5, lines 14-17), the system comprising: at least one gaming machine communicably coupled to a gaming network (col.5, lines 29-32); and at least one service provider communicably coupled to the gaming network (112, Fig. 19; col.

15, lines 57-58), said service provider operable to perform a service (col. 15, lines 58-60); wherein the gaming machine issues a request for the service (Fig. 19: communication between the specialized device (the gaming machine) and the server (service provider); col. 16, lines 8-11: in order to provide service, the service provider must receive a request from the gaming machine) and the service provider responds to the request for the service (112, Fig. 19: communication between the specialized device and the server; col. 5, lines 55-58; col. 15, lines 58-60: the service provider responds to the request by providing service), said request and response formed using internetworking protocols (col. 2, lines 55-58).

Re claim 2: Gatto further discloses the system of claim 1, wherein the service provider comprises a web services provider and the internetworking protocols comprise web services internetworking protocols (col. 15, lines 50-56; col. 16, lines 15-22).

Re claim 3: Gatto further discloses the system of claim 1, further comprising a discovery agent communicably coupled to the gaming network (col. 15, lines 53-56: the UDDI node must communicate with the network in order for the node to receive data from service providers regarding their services), said discovery agent providing a discovery service and wherein the service provider is operable to publish data for the service to the discovery agent (col. 15, lines 53-56; col. 15,

lines 60-62) and wherein the gaming machine is operable to query the discovery agent for the availability of the service (col. 15, lines 60-62).

Re claim 4: Gatto further discloses the system of claim 1, wherein the service comprises a boot service (Fig. 18: boot and game software image; col. 4, lines 60-65; col. 18, lines 39-54).

Re claim 5: Gatto further discloses the system of claim 1, wherein the service comprises a gaming management service (col. 19, lines 37-38).

Re claim 6: Gatto further discloses the system of claim 4, wherein the gaming management service is operable to provide configuration data (col. 3, lines 15-20; col. 7, lines 7-9).

Re claim 7: Gatto further discloses the system of claim 1, wherein the service comprises an accounting service (col. 10, lines 36-38).

Re claim 8: Gatto further discloses the system of claim 1, wherein the service comprises an authentication service (col. 10, lines 55-60; col. 16, lines 28-33).

Re claim 9: Gatto further discloses the system of claim 1, wherein the service comprises an authorization service (col. 8, lines 39-40).

Re claim 10: Gatto further discloses the system of claim 1, wherein the service comprises an accounting service (col. 10, lines 36-38).

Re claim 11: Gatto further discloses the system of claim 1, wherein the service comprises an event management service (col. 2, lines 42-45; col. 11, lines 44-48).

Re claim 12: Gatto further discloses the system of claim 1, wherein the service comprises a gaming software update service (col. 15, lines 20-30).

Re claim 13: Gatto further discloses the system of claim 1, wherein the service comprises a message director service (col. 15, lines 63-67).

Re claim 14: Gatto further discloses the system of claim 1, wherein the service comprises a content integrity service (col. 10, line 59-60; col. 16, lines 43-45).

Re claim 16: Gatto further discloses the system of claim 1, wherein the service comprises a mobile gaming device location service (col. 2, lines 53-54: if the gaming device is mobile, its location needs to be determined in order for the network to communicate with it).

Re claim 18: Gatto further discloses the system of claim 1; wherein the service comprises a player tracking service (col. 6, lines 4-44).

Re claim 21: Gatto further discloses the system of claim 1, wherein the service comprises a cashless transaction service (col. 9, lines 47-50).

Re claim 22: Gatto further discloses the system of claim 1, wherein the service comprises a bonusing service (col. 11, lines 14-16).

Re claim 23: Gatto further discloses the system of claim 1, wherein the service comprises a game outcome service (col. 10, lines 33-35: a win is a game outcome).

Re claim 24: Gatto further discloses the system of claim 1, wherein the service comprises an advertising service (col. 6, lines 6-7).

Re claim 25: Gatto further discloses the system of claim 1, wherein the service comprises a property management service (col. 19, lines 8-11).

Re claim 26: Gatto further discloses the system of claim 1, wherein the standard internetworking protocols includes a services description language protocol layer (col. 15, lines 52-54).

Re claim 27: Gatto further discloses the system of claim 26, wherein the services description language protocol layer is a version of the WSDL web services description language protocol (col. 15, lines 52-54).

Re claim 28: Gatto further discloses the system of claim 1, wherein the internetworking protocols includes a service discovery protocol layer (col. 16, lines 17-18; col. 15, lines 52-54).

Re claim 29: Gatto further discloses the system of claim 28, wherein the service discovery protocol layer comprises the UDDI (Universal Description Discovery and Integration) protocol layer (col. 15, lines 52-54).

Re claims 30 & 37: Gatto discloses a method for providing a service in a gaming network, the method comprising: publishing the availability of a service on a gaming network with a discovery agent communicably coupled to the gaming network (col. 15, lines 54-56: the UDDI node must communicate with the network in order for the node to receive data from service providers regarding their services; col. 15, lines 60-62); receiving by the discovery agent a request for a service description for the service from a gaming machine communicably coupled to the gaming network (col.15, lines 60-67); registering by the gaming machine with the service (Fig. 20; col. 14, lines 18-20); and processing one or more service requests between the gaming machine and the service (Fig. 19; col. 14, lines 2-5).

Re claims 31 & 38: Gatto further discloses a web service (col. 15, lines 50-56; col. 16, lines 15-22).

Re claims 32 & 39: Gatto further discloses using a service description language (col. 15, lines 52-54).

Re claims 33 & 40: Gatto further discloses a Web Services Description Language (WSDL) (col. 15, lines 52-54).

Re claims 34 & 41: Gatto further discloses publishing the service, which includes registering the service with a registry (col. 15, lines 60-67).

Re claims 35 & 42: Gatto further discloses a UDDI (Universal Description Discovery and Integration) registry (col. 15, lines 60-67).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which

said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

10. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gatto in view of Murata (US 2002/0013174). The teachings of Gatto have been discussed above.

However, Gatto fails to disclose a progressive gaming service.

Murata teaches a progressive gaming service (para. 0058, lines 4-7; para. 0060, lines 7-11).

Therefore, in view of Murata, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include a progressive gaming service in order to play a progressive game.

11. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gatto in view of Barnes (US 2004/0065805). The teachings of Gatto have been discussed above.

However, Gatto fails to disclose the mobile gaming device location service, which is a GPS based service.

Barnes teaches the mobile gaming device location service, which is a GPS based service (para. 0097, lines 5-8; para. 0439, lines 1-2).

Therefore, in view of Barnes, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include a GPS based service in order to locate the position of the gaming device so that a user can gamble in a jurisdiction where gambling is legal.

12. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gatto in view of Murata (US 2002/0013174). The teachings of Gatto have been discussed above.

However, Gatto fails to disclose a game theme location service.

Murata teaches a game theme location service (para. 0025, lines 11-16; para. 0055, lines 4-10).

Therefore, in view of Murata, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include a game theme location service in order to locate and play a game with a particular theme.

13. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gatto in view of Murata (US 2002/0013174). The teachings of Gatto have been discussed above.

However, Gatto fails to disclose a personalization service.

Murata teaches a personalization service (para. 0047, lines 25-43).

Therefore, in view of Murata, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include a personalization service in order to customize the game playing experience.

14. Claims 36 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gatto in view of Barnes (US 2004/0065805). The teachings of Gatto have been discussed above.

However, Gatto fails to disclose the service description, which is located using a Uniform Resource Locator (URL).

Barnes teaches the service description, which is located using a Uniform Resource Locator (URL). (para. 0082, lines 7-19)

Therefore, in view of Barnes, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include a Uniform Resource Locator (URL) in order to locate the service description on the internet.

Double Patenting

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 30, 31, 37, and 38 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 2, 25, and 26 of copending Application No. 10/788,661 in view of Gatto (US 6,916,247). Both sets of claims are similar except for the service. According to Gatto (col. 15, lines 54-56), any type of web services can be offered. Therefore, substituting gaming management service for a service is obvious.

This is a provisional obviousness-type double patenting rejection.

3. Claims 30-35 and 37-42 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-7 of copending Application Nos. 10/802699, 10/802537, 10/813653, 10/857433, and 11/068065 in view of Gatto (US 6,916,247). The claims are similar except for the service. According to Gatto (col. 15, lines 54-56), any type of web services can be offered. Therefore, substituting an accounting service, a message director service, an event management service, or a language translation service for a service is obvious.

This is a provisional obviousness-type double patenting rejection.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Barnes '835 discloses a system, method, and computer program product for providing location based services and mobile e-commerce. Reisman '058 discloses a method and apparatus for browsing using alternative

linkbases. Reisman '900 discloses a method and apparatus for browsing using multiple coordinated device sets. Brosnan discloses an open architecture communications in a gaming network. Atkinson discloses mobile data access. Carter discloses a location based mobile wagering system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer Leung whose telephone number is 571-270-1342. The examiner can normally be reached on Mon -Thur, every other Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jong-Suk (James) Lee can be reached on 571-272-7044. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jennifer Leung
December 21, 2006

KIM NGUYEN
PRIMARY EXAMINER